

AN ORDINANCE ESTABLISHING A LODI CITY POUND, SPECIFYING THE CONDITIONS UNDER WHICH DOGS, COWS, HORSES, MULES, SHEEP, GOATS, HOGS, AND OTHER ANIMALS SHALL BE PERMITTED TO BE WITHIN THE CITY OF LODI, REGULATING THE KEEPING OF ANY SUCH ANIMALS IN SAID CITY, PROVIDING FOR LICENSING OF DOGS, ESTABLISHING THE OFFICE OF CITY POUNDMASTER, PROVIDING FOR HIS COMPENSATION, PROVIDING FOR THE IMPOUNDING OF DOGS AND OTHER ANIMALS AND FOR THE DISPOSITION OR SALE OF SUCH IMPOUNDED ANIMALS, PROVIDING A PENALTY FOR THE VIOLATION OF ANY PART OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

ESTABLISHMENT OF PUBLIC POUND.

Section 1. - A public pound is hereby authorized and the same shall be located at some convenient place to be fixed by the Board of Trustees, which said pound shall be and remain under charge and control of the Marshal in absence of a Pound Master appointed by the Board of Trustees.

ANIMALS NOT TO RUN AT LARGE.

Section 2. - It is hereby made unlawful for any ox, bull, cow, horse, colt, jack, jenny, mule, calf, sheep, goat, hog, to run at large in the City of Lodi, or to be pastured or herded, tied or staked, in any of the streets, alleys, squares or other ground belonging to or under control of said city.

IMPOUNDING ANIMALS AND NOTICE BEFORE SALE.

Section 3.- It shall be the duty of the Marshal or Pound Biaster to take up, impound, and safely keep any of the animals enumerated in Section 2 of this ordinance found running at large, or being herded, or pastured in any street, square or other public ground or place, contrary to the provisions of Section 2 of this Ordinance. When any animal is so impounded, the Marshal or Pound Master shall immediately notify the owner or owners thereof, if unknown, by posting notices in at least three public places, for the space of one week. Said notice shall contain a full description of such animals and set forth that unless reclaimed they will be sold under the State law provided for estrays. If said animals are not reclaimed before the expiration of the time specified in the notice the Marshal or Pound Master shall proceed to sell the same in the manner specified in the notice.

REDEMPTION OF IMPOUNDED ANIMALS.

Section 4. - The owner of any animal impounded shall have the right to reclaim the same at any time prior to the sale or killing thereof upon the payment to the Marshal or the Pound Master of the sum of two dollars for each animal redeemed, and all expenses of keeping said animal hereby fixed as follows: one dollar per day for each day and fraction of day for ever;; ox, bull, cow, horse, colt, jack, and mule impounded, and fifty cents a day for every day and fraction of a day for any other animal, in Section 2 of this Ordinance mentioned, impounded and also the cost of advertising hereby affixed. at fifty cents for each animal impounded.

Said amount shall be paid before the animal impounded shall be released, and all moneys received by the Marshal or Pound Master under the provisions of this section shall be retained by the Marshal or Pound Master as his compensation and to reimburse him for the expenses by him to be incurred under the provisions of Section 5 of this Ordinance.

FOOD AND WATER TO BE SUPPLIED TO IMPOUNDED ANIMALS.

Section 5.- The Marshal or Pound Master shall cause all animals impounded to be provided with sufficient food and water suitable therefor. Said food and water shall be supplied at the expense of the Marshal or Pound Master.

DOGS.

Section 6.- It is hereby declared unlawful for any dog, not duly licensed and registered in accordance with the provisions of this section, to be in the City of Lodi or to be owned, kept or possessed in said City, by any person, firm or corporation.

Any person desiring to keep a dog in said City shall pay in advance to the Marshal of said city, an annual license tax, which is hereby fixed at \$ 1.00 for male dogs, and \$ 5.00 for female dogs, which license tax shall be paid for each calendar year or part of calendar year while this ordinance is in effect, the same license tax to be paid for that part of the year 1926 which shall remain after this ordinance shall become effective.

A metallic tag shall be furnished by the Marshal, at the expense of the city, to each owner who shall pay such license tax, which the owner shall attach and keep attached to a collar around the neck of such dog at all times. Said tag shall have legibly stamped thereon, the registered number of the dog and the year for which such dog is registered.

The City Clerk shall keep a book in which he shall register the numbers of such tags supplied to each of the owners of such dogs, a description of the dog, whether said dog be male or female, the year for which such tag is purchased and the amount received therefor, and the residence address of the owner thereof. All moneys received for licenses, under the provisions of this section, shall be paid by the Marshal into the City Treasury monthly, the same to be credited to the General Fund.

Such licenses shall entitle the owner of the dog for which the same be issued, to keep such dog in the City of Lodi during the term for which the same shall have been issued, provided that such owner shall at all times keep said dog securely enclosed in a room, pen or enclosure, or shall keep said dog securely tethered, or shall keep said dog at all times in the immediate presence of said owner or in the immediate presence of said owner's employee or of some member of his family; and it shall be unlawful for any person at any time to have, own or possess any dog within the corporate limits of said city whether the same be licensed or not, if the said dog is permitted at any time to be beyond the immediate presence, control

or supervision of such owner or his employee, or some member of his family, or unless said dog be kept so enclosed or tethered.

It is hereby made the duty of the Marshal or Pound Master, or any party or parties whom they, or either of them, may deputize, to take up and impound any dog not so licensed and registered which may be found in said City of Lodi, and also to take up and impound any dog, whether licensed and registered or not, which may be found in any street, alley, square or public ground in said City, and which is not within the immediate presence or under the immediate supervision of such owner, employee, or member of such owner's family.

If any dog so taken up or impounded be licensed or registered, and if such tag and number be upon the collar of said dog, the Pound Master or Marshal shall give notice to the owner thereof within forty eight hours after said dog shall have been taken up, which notice shall state that said dog has been taken up and impounded and that such dog will be disposed of or killed, as in this ordinance provided, unless the same be redeemed as herein provided. Such notice shall be served upon the owner by delivering the same to such owner personally, or by leaving the same with any person at the place of residence of said owner, as stated in the said records of said City Clerk, or by posting the same in a conspicuous place at the address of such owner.

At any time within three days after such notice shall have been so given, the owner or possessor of such licensed dog may redeem the same by paying to the Marshal or Pound Master the sum of \$ 1.00 plus the sum of twenty-five cents per day for keeping the said dog. All dogs not redeemed as herein provided, shall be sold or killed by the Marshal or Pound Master, and if killed, shall be buried in some proper place, at least one foot beneath the surface of the ground, and the Marshal or Pound Master shall be entitled to receive from the City a fee of Fifty Cents (50¢) for each dog so killed and buried.

ANIMALS NOT REDEEMED TO BE KILLED.
Section 7. - If any animal impounded under the provision of this Ordinance be not redeemed or sold within the time and the manner specified, the Marshal or Pound Master shall cause the same to be killed and buried, and no charge shall be made or fee collected for the killing and burial of any such animal, with the exception of the killing and burial of dogs for which the Marshal or Pound Master shall receive the fee provided for in Section 6 of this Ordinance.

DEAD ANIMALS TO BE BURIED BY THE OWNERS.
Section 8. - It shall be the duty of all persons having dead animals upon their premises, or who shall be the owner or possessor of any animal dying within the city limits, to bury the same at least three feet under the ground, excepting cats, dogs, or fowl which shall be buried at least one foot under ground, either upon his own premises or in some place outside the inhabited portion of the city, within

twenty-four hours after the same shall have died.

FAILURE TO BURY ANIMALS, PENALTY.

Section 9. - If any persons fail or neglect to bury any animal as provided for in this ordinance, then in such case it shall be the duty of the Marshal or Pound Master to proceed forthwith to have the same buried, and it shall be lawful for the Marshal or Pound Master to charge to and recover from the owner or possessor of such dead animal the cost of burial thereof; and such person who shall neglect or refuse to bury or cause to be buried any dead animal upon his premises or in any public place, of which he is the owner or possessor, or to pay the Marshal or Pound Master the cost incurred in burying such animal shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five dollars, nor more than thirty dollars, or by imprisonment not less than five nor more than ten days, or by both such fine and imprisonment. In case the Marshal or Pound Master after diligent search, cannot find the owner or possessor of any dead animal, in this Ordinance referred to, he shall cause the same to be buried, and the cost thereof shall be paid by the city.

RESCUING ANIMALS, PENALTY.

Section 10. - If any person shall rescue any animal from the Marshal or Pound Master or any person authorized to impound animals, while conveying or being about to convey or drive the same to the pound, or shall make any pound breach or in any way, directly or indirectly, convey or deliver or remove any animal out of the pound without lawful authority, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five nor more than fifty dollars or by imprisonment for not less than five or more than thirty days, or by both such fine and imprisonment.

RECORD OF ANIMALS IMPOUNDED TO BE KEPT.

Section 11. - The Marshal or Pound Master shall keep a record of every animal in pound with description thereof, and the date and manner of disposition of same, whether notice was given to the owner, and the date such notice was given, and, if sold, the name of the person to whom sold. Said record shall be open to inspection of any person upon demand.

PENALTY.

Section 12. - Any person owning or having control of any animal in violation of any provision of this Ordinance and any person violating any provision of this Ordinance in any other particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished (unless otherwise provided herein) by a fine not exceeding fifty dollars or by imprisonment not exceeding twenty five days or by both such fine and imprisonment.

Section 13. - The office of City Pound Master is hereby established. The City Pound Master shall be appointed by and shall hold office at the pleasure of the Board of Trustees and shall receive such compensation, in addition to compensation herein provided for, as said Board of Trustees may from time to time provide for.

Section 14. - All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 15. If any part, paragraph, section, clause, phrase or word of this ordinance shall be held or declared to be unconstitutional, the same shall not affect the constitutionality and validity of any other part, paragraph, clause, section, phrase or word of this ordinance, the Board of Trustees hereby declaring its intention to pass and adopt each section, paragraph, clause, phrase and part of this ordinance without regard to any other.

Section 16. - This ordinance shall be published once in the Lodi News, a newspaper published in said city of Lodi, and shall be in force and take effect thirty days after its passage and publication.

The foregoing ordinance was duly and regularly approved, passed and adopted at a regular meeting of the Board of Trustees of said City of Lodi on the first day of March 1926 by the following vote:

Ayes: Trustees, Hale, Roach, Mettler and Spooner

Noes: Trustees, None

Absent: Trustee, Shattuck.

Signed and approved by me this first day of March, 1926

President of the Board of Trustees of
the City of Lodi.

Attest:

J. F. Beasley
City Clerk.
March 1- 1926